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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,535	04/16/2004	Howard A. Fromson	FRO/188/US	2155
2543	7590	10/18/2004		
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER LE, HOA VAN	
			ART UNIT 1752	PAPER NUMBER

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/826,535

Applicant(s)

FROMSON ET AL.

Examiner

Hoa V. Le

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

This application is before the examiner for consideration.

- A. In view of multiple patentably distinct inventions and searches areas in the art of the claims as set up, this Office action is made.
- B. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. The groups of claims (1-4) and (5-10) (with claim 1 being broadest are not patentably different or distinct. Therefore, no restriction is made. Accordingly, no separate consideration or search is made. Should applicants disagree, urge or show otherwise in the next response to this Office action in order for it to be considered timely, a restriction will be made for the record as disagreed, urged or shown, drawn to a process, classified in class 430, subclass 302 and class 396, at least subclass 604.
  - II. Claims 11-12, drawn to another patentably different and distinct processing steps and utilized support instrument from that of Group I above, classified in class 430, subclass 302 and class 396 at least subclass 612.
  - III. Claims 13-18, drawn to another patentably different and distinct processing steps and utilized instruments from anyone of Group I and II above, classified in class 430, subclass 302 and class 396 at least subclass 578.

- IV. Claims 19-23, drawn to another patentably different and distinct processing steps and utilized instruments from anyone of Group I, II and III above, classified in class 430, subclass 302 and class 396 at least subclass 609.
- V. Claims 24 and 26, drawn to another patentably different and distinct processing steps and utilized instruments from anyone of Group I, II, III and IV above, classified in class 430, subclass 302 and class 396 at least subclass 568.
- VI. Claims 25 and 27, drawn to another patentably different and distinct processing steps and utilized instruments from anyone of Group I, II, III, IV and V above, classified in class 430, subclass 302 and class 396 at least subclass 624.

Inventions Groups I, II, III, IV, V and IV are related to the processes but have the patentably different and distinct processing steps and utilized instruments have acquired the separate status and searches in the art and can be supported the separate patents as divided by applicants. Restriction for examination as indicated is proper. Applicant should show or provide convincing evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

Because these inventions are distinct for the reasons given above and have acquired the separate status and searches in the art and can be supported the separate patents as divided by applicants. Restriction for examination purposes as indicated is proper. Applicant should show or provide convincing evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

C. An additional consideration or search for more than one invention or subclass in the art is (1) burdensome, (2) lacks focus and (3) dilutes many claimed embodiments in detail in multiple claimed inventions as compared to those in one invention. Applicant should show or provide convincing evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

D. Applicant is advised that the reply to this requirement to be complete must include an election of one invention to be examined even though the requirement be traversed (37 CFR 1.143). No search will be made if an election one invention is not made or is improper.

E. Other issues have not been considered until a full and proper election of one invention is made and resolved.

F. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

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Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le  
Primary Examiner  
Art Unit 1752

HVL  
14 October 2004

HOA VAN LE  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Hoa Van Le", is written over the printed name and title.